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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/187,623	01/25/94	LEYBA	F 72847.P001

C2M1/0626
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MCDONALD, P.
EXAMINER

ART UNIT	PAPER NUMBER
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3207

06/26/95

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-11, 15, 16 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-11, 15, 16 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Art Unit: 3207

1. The finality of the last Office Action is withdrawn.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,7 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gerber.

Gerber discloses a single, planar panel(34r) that is removable attached to a golf bag which is a cylindrical tube. Although the compartment is a double panel, the rear panel itself is a single panel that is removable attached the cylindrical tube of the golf bag.

4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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5. Claims 3-5,8-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Gerber in view of Savoy.

Gerber discloses the invention as claimed except for the use of a zipper that extends around the entire periphery of the compartment. Savoy discloses a removable compartment that is attached by a zipper that extends around the entire periphery of the compartment. It would have been obvious to use a zipper that extends around the entire periphery of Gerber's compartment motivated by Savoy's teaching of the ease in connecting and removing the compartment. The use of a handle diametrically opposed to the handle is a shift in location of parts with no new or nonobvious result.

6. Claims 6 and 15 are rejected under 35 U.S.C. § 103 as being unpatentable over the prior art as applied to claims 3-5 and 8-10 above, and further in view of Yamazoe.

The combination does not disclose the use of a water resistant and padded material. Yamazoe discloses the use of a water resistant and padded material. It would have been obvious to use a water resistant and padded material for the compartment of Gerber motivated by Yamazoe's teaching of the protection the material provides for the contents.

7. Claim 11 is rejected under 35 U.S.C. § 103 as being unpatentable over the prior art as applied to claims 3-5 and 8-10 above, and further in view of Wand.

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The combination does not disclose a compartment made from a single planar panel that has a lateral opening. Wand discloses a compartment(102) that is made from a single planar panel that has a lateral opening(104) It would have been obvious to make the compartment of Gerber from a single planar panel that has a lateral opening motivated by the savings in material that result.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim discloses a compartment that is made by a single panel and has a lateral opening(70).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris McDonald whose telephone number is (703) 308-1038.

GM


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